

APAC - Associated Professionals and Contractors of CA, Inc.

March 6, 2013

Chairman Dan Richard
CEO Jeff Morales
770 L Street, Suite 800
Sacramento, CA 95814

Re: Request a Response to previous letters dated 1/23/2013 and 2/14/2013:

Dear Chairman Richard and CEO Morales,

This letter serves to request answers to previous letters (attached) sent/submitted to the Authority Board. They are:

1-23-2013 Letter re:

A) Conflict of Interest Policy on proposed award on the Right of Way (ROW) contract. to Bender Rosenthal Inc.

B) Caltrans Inter-Agency Agreement with 30% Goal

2/14/2013 Letters

A) APAC letter re: Lack of Transparency with Authority's business practices and Recommendation for an Independent appraisal of the Authority's Procurement/Contracting and Selection procedures.

B) Lawyer's Committee for Civil Rights, APAC's Attorney, letter regarding possible Conflict of Interest

C) Paul Guerrero, APAC Officer, represents La Raza Roundtable of CA regarding the 100% Small Business Requirement on the Disparity Study RFP and proposed award.

APAC presented the following on the Authority's Conflict of Interest Policy:

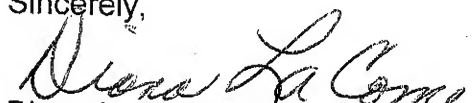
On September 11, 2012 the Authority approved an Organizational Conflict of Interest Policy (attached). The first goal states: - To Promote Integrity, transparency, competitiveness and fairness in contracting, second goal – Prevent unfair competitive advantage, third goal, Provide guidance to enable informed decisions and fourth goal, Protect validity of Authority Contracts and confidential/sensitive information. The definition of Organizational Conflict of Interest in the first two goals state, "*A circumstance arising out of a contractor's existing or past activities, business or financial interests, contractual relationships or organizational*

Structure that results in: 1) Impairment or potential impairment of a Consultant's ability to render impartial assistance or advice to the Authority, 2) Unfair competitive advantage for any Contractor bidding or proposing on Authority procurement, and 3) A perception or appearance of impropriety with respect to any of the Authority's procurement or contracts.

APAC respectfully requests answers to the questions listed in this letter and previously presented to the board. We would like concrete explanations as to why the Conflict of Interest does (or does not apply) to some contracts and yet applies (or does not apply) to others

Thank you for not awarding the contracts listed in this letter until there is clarification on each contract.

Sincerely,


Diana LaCome, APAC President

cc: CHSR Authority Board Members
APAC Board of Directors

RE: CHSRA Board meeting item #4 San Jose Diridon Master Plan

From: **Lisa Marie Alley** (lalley@hsr.ca.gov)
Sent: Tue 3/05/13 12:03 PM
To: Roland Lebrun (ccss@msn.com)
Cc: Ben Tripousis (btripousis@hsr.ca.gov); Doug Drozd (ddrozd@hsr.ca.gov)

Ronald,

Thanks for contacting the California High-Speed Rail Authority.

We anticipate posting the presentations to the website today for this specific item.

As you know, this is an informational item only and no Board action will be taken.

Thanks – Lisa Marie

Lisa Marie Alley

Assistant Deputy Director of Communications

California High-Speed Rail Authority

www.cahighspeedrail.ca.gov

lalley@hsr.ca.gov

916-384-9026 (w)

916-212-8108 (c)



From: Roland Lebrun [mailto:ccss@msn.com]
Sent: Tuesday, March 05, 2013 11:55 AM
To: Lisa Marie Alley
Cc: boardmembers
Subject: CHSRA Board meeting item #4 San Jose Diridon Master Plan

Good morning Lisa Marie,

Sorry to have to bother you again. The intent of this email is to inform the Board that there is considerable concern within the San Jose community with regards to materials that may be presented during tomorrow morning's Board meeting under item #4.

San Jose Diridon Station Master Plan
San Jose City staff will provide a presentation outlining the master plan for upgrading and expanding Diridon Station for future high-speed rail use.

We have been trying to obtain a copy of the presentation since last Friday (3/1 2013). We subsequently received an email from City of San Jose staff yesterday (3/4 2013) afternoon stating that "**the presenter (Michael Brilliot) is waiting to hear back from Ben Tripousis to find out what the presentation is.**"

I am therefore respectfully requesting that the Authority post the presentation to the web site no later than 5.00 PM today 3/5/2013 in this location: http://www.cahighspeedrail.ca.gov/2013_March.aspx.

Failing that, I am hereby informing you that I will ask that the Board pull item #4 off the agenda subject to section 54954.1 of the Brown Act.

Sincerely,

Roland Lebrun.



KATHRYN MATHEWSON ASSOCIATES

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March 6, 2013

To: California High Speed Rail Authority
From: Kathryn Mathewson, Environmental Planner

RE: Why San Jose/Silicon Valley needs a better train station design with underground train tracks; examples are given.

Silicon Valley's World Leadership

The world is looking at Silicon Valley as its model for economic growth more than any other city in California and probably more than any other American city. Every progressive country in the world wants a Silicon Valley and many even give them the same name. People from all over the world want to work in the Silicon Valley environment. Our American presidents visit Silicon Valley more than any other California city. **The heads of governments and industry from all over the world come to Silicon Valley to observe how its technology companies, universities, government, support systems, and the environment work in harmony together.**

San Jose is the capitol of Silicon Valley, the largest city in northern California, and the tenth largest city in United States. These are the reasons San Jose cannot have a second class train station as an arrival location. It must model the best train stations in the world. The high speed rail station must go underground so that the train station takes worldwide visitors to the heart of an active 24-7 city center where every inch of land is wisely used.

Silicon Valley has some of the largest corporations in the world. They have created our state's strongest foundations. Just as our presidents do, I would suggest you meet with them to discuss and educate them about the Silicon Valley high speed rail alternatives. Give them the opportunity to view the videos below, two of the best historical train station remodels and let them choose.

I have always thought that San Jose's plans for our Diridon Train Station could learn from New York City's Grand Central Station. **Last Friday on March 1, 2013, several historians, an architect, an urban planner, and Sam Roberts, the author of "Grand Central: How a Train Station Transformed America", had a conversation about**

Grand Central Train Station on the Charlie Rose Show. At the beginning of the video there are historical pictures, many behind the scenes places most people never see, and interviews with people who work there. **After listening to this program, I am even more convinced of its importance to San Jose's future train station.**

Following are a few ideas discussed on this program:

1. What is remarkable about Grand Central is that this underground train station emphasized the core of New York. Most train stations take people to the edge of the city.
2. It is a terminal city within a city. Everything you need is there.
3. It is "the arrival" place, a place of new beginnings, a gateway to our country, alive and active 24-7. There are more people coming into Grand Central on a daily basis than any airport in the world.
4. It is multi dimensional with lots of levels to view its energy with many different perspectives.
5. People want to be there. Many movies have taken place there.
6. Discussion of its unique historical architecture and recent remodel.
7. Moving above ground train tracks underground, selling their air rights, and making money from this process while at the same time greatly increasing the value of land around the station.

Here is the video link to this program: <http://www.charlierose.com/view/interview/12803>

If you think that underground is too difficult or complicated I would suggest you view the following video. It is a National Geographic documentary explaining how the historical St. Pancras Train Station in London was rebuilt keeping its historical integrity for high speed rail and for new underground tunnels from London to Paris. It discusses the increased value of land around the stations.
http://www.youtube.com/watch?v=1hRMuueeJa0&list=PLD52CABBA921CCDFF&feature=player_detailpage#t=1055s



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February 18, 2013

Chairperson and Members
California High-Speed Rail Authority
770 L St., Ste. 800
Sacramento, CA 95814-3359

Re: Fresno-Bakersfield Final EIR/EIS

Dear Chairperson Richard and Board Members:

This letter reflects our continuing submissions of written comments on the original publication of the Environmental Impact Report and subsequent iterations of the same regarding the inequitable and disparate impact of the High-Speed Rail project on the Environmental Justice communities, which members are our clients, in violation of Title VI and Executive Order 12898.

We have reviewed the latest version of the Community Benefits Agreement (CBA hereafter) and note that it appears to be modeled after the Project Labor Agreement between the City of Los Angeles and Metro. It is unclear whether the CBA is intended to serve as a dual document, i.e., a CBA and Project Labor Agreement. Accordingly, our comments are based on the assumption that it serves both purposes.

Preliminarily, the definition in Section 1.15 of National Targeted Worker includes anyone who lives in a low-income zip code, regardless of whether the individual is low-income or otherwise disadvantaged. The definition also included disadvantaged worker as defined in Section 1.8 which incorporates the zip code test but list certain characteristics of the individual living in that zip code. However, because the zip code test alone is an acceptable alternative, there is no real requirement to hire a disadvantaged worker. This must be clarified and made consistent with the stated policy.

The requirement that the Prime Contractor cooperate with and be bound by any compliance procedures must be part and parcel of a contract between the awarding entity (CAHSRA) and the Prime Contractor. To the extent that the subject document serves as a CBA/PLA, that requirement must be set forth therein. Although as a legal matter, labor carries no financial burden, nevertheless, the Prime Contractor, by necessity, should include that language in subcontracts even if the final responsibility resides with the Prime. Otherwise, it can't get them to cooperate either.

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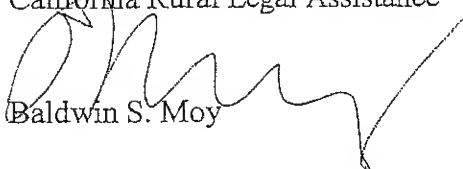
Comment letter - February 18, 2013

The CBA provides that the Prime Contractor's Jobs Coordinator will monitor compliance. It is urged that the Authority hire an independent consultant or use internal staff to collect data and file reports. Alternatively, the Authority can make it a requirement in the CBA with the Prime that it hire an independent entity to perform those tasks. The operative term is "independent." (There are no federal or state agencies that are structured to oversee all the components of this targeted hire program. Often their program parameters are different than what we have here.) In the final analysis, the Authority must do its due diligence and not simply depend on the Prime Contractor to do its bidding. Likewise, the general public entitled to accountability and full transparency. On a related note, although there is no mention of monitoring and oversight, language to that effect should be included the contract template between the CSE's and the Prime Contractor.

Last but not least, if the CBA is intended to encompass the PLA as well, there must be enforcement guidelines and a schedule of sanctions and penalties. No amount of monitoring will matter otherwise. A good starting point is the compliance, enforcement and liquidated damage sections in the Los Angeles Metro PLA. Attached are relevant sections from the Metro General Management Construction Careers Policy for your convenience.

Thank you for your anticipated cooperation and kind attention to the points raised in this letter and we stand ready to provide clarification and further comments.

Very truly yours,
California Rural Legal Assistance


Baldwin S. Moy

Attachment as stated.



Los Angeles County
Metropolitan Transportation Authority

Metro

GENERAL MANAGEMENT Construction Careers Policy

GEN 58

Economically Disadvantaged areas, they may refer any National Targeted Worker.

- A minimum of 10% of all hours of Project Work shall be performed by Disadvantaged Workers.
- At least 20% of total work hours on each project will be performed by apprentices, but the hours performed by apprentices in each individual craft shall not exceed the ratio to journeyman established by the applicable craft union's DAS approved apprenticeship standards. National Targeted Workers will perform 50% of all apprenticeship hours worked on the Project.

2.5 Compliance

LACMTA or its authorized representatives shall determine whether a Prime Contractor and its C/S/Es have complied with the requirements of the LACMTA-PLA and the Policy. The Prime Contractor is ultimately responsible for it and its C/S/Es compliance with the LACMTA-PLA and Policy requirements.

- 2.5.1 If, after taking into account all hours of project work performed up to that point in time of the Reporting Period, the targeted hiring requirements of the LACMTA-PLA and Policy have been satisfied for a Project, then the Prime Contractor and its subcontractors working on that Project shall be deemed to be in compliance.
- 2.5.2 If the targeted hiring requirements of the LACMTA-PLA and the Policy have not been satisfied for a Project, the Prime Contractor nonetheless may be deemed to be in compliance if it demonstrates both (a) that it and each of its C/S/Es have complied with all other requirements of the LACMTA-PLA and the Policy, and (b) that it and each C/S/E have either (i) satisfied the targeted hiring requirements of the LACMTA-PLA and this Policy with regard to the project work that it has performed or (ii) satisfactorily demonstrated the following:
 - Adherence to procedures contained in its Employment Hiring Plan (EHP) as approved by the LACMTA.
 - Requests to Unions, through Craft Request Forms, of sufficient numbers of Targeted Workers and Disadvantaged Workers to meet the targeted hiring percentages set forth in Section 2.4 of the Policy for that C/S/E's Project Work.



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GENERAL MANAGEMENT Construction Careers Policy

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- Documented contact with the Jobs Coordinator in each instance when the relevant Union did not refer qualified Targeted Workers within the 48 hours following the C/S/E's request and the C/S/E's fair consideration of any Targeted Worker or Disadvantaged Worker subsequently referred by the Jobs Coordinator.
- Accurate records documenting the C/S/E's compliance efforts that include (but not limited to) the following:
 - A listing by name and address of all local recruitment sources contacted by the C/S/E;
 - The date of the local recruitment contact and the identity of the person contacted, the trade and classification and number of hire referrals requested;
 - The number of Targeted Worker hires made as a result of the contact;
 - The identity and address of the worker(s) hired pursuant to the contact;
 - Documentation when a referral was not hired (reason for non-hire) and/or premature termination.

2.6 Enforcement

2.6.1 The Prime Contractor for every project agrees to the following:

- The Prime Contractor and its C/S/E's commitment to comply with the targeted hiring requirements of LACMTA-PLA and Policy is a material element of the contract.
- The Prime Contractor will be liable to the LACMTA for Liquidated Damages as provided in this section.
- The failure of the Prime Contractor and its C/S/Es to comply with the targeted hiring requirements will cause harm to the LACMTA and the public which is significant and substantial but extremely difficult to quantify. The harm to the LACMTA includes the difficult-to-quantify harm that the community and its families suffer as a result of high unemployment and concentrated poverty.



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GENERAL MANAGEMENT Construction Careers Policy

GEN 58

- Due to the difficulty of estimation of damages for violation(s) of requirements of this Policy, construction contracts shall have provisions establishing liquidated damages to be assessed as follows:
 - The Prime Contractor shall pay liquidated damages equal to the average journeyperson project wage for each hour the Project fell short of the targeted hiring, or \$500 per day, whichever is greater.
 - If the project's targeted hiring requirements are out of compliance during any Reporting Period, the Prime Contractor shall meet with the LACMTA to develop a plan for compliance. The Prime Contractor has until the next Reporting Period to effectuate compliance or Liquidated Damages shall be withheld.
 - Before Liquidated Damages are sought, the Prime Contractor shall be notified of the proposed Liquidated Damages and served with a summary of the information upon which the Liquidated Damages are based.
 - Liquidated Damages shall be withheld from all subsequent monthly progress payment request(s) as disputed funds until such time as Prime Contractor is found to be in compliance, the project contract is terminated, or the project is completed.
 - Should the project be terminated or completed before the Prime Contractor is found to be in compliance, recommendation may be made to the LACMTA's CEO to assess Liquidated Damages to be withheld from the contractor's retention.

2.6.2 Liquidated Damages Appeal

- 2.6.2.1 The Prime Contractor may appeal the assessment of Liquidated Damages before the LACMTA's CEO. Prior to the hearing, the Prime Contractor shall be provided a summary of the information upon which the recommendation assessment is based.

THE SACRAMENTO BEE sacbee.com

Caltrans reports show engineers misrepresented or ignored test data

cpiller@sacbee.com**Published Monday, Mar. 04, 2013**

A recently released California Department of Transportation investigation, which concluded that testing errors and falsifications of data did not affect the safety of state bridges, revealed for the first time that improprieties extended beyond one rogue technician.

The report shows that four state engineers misrepresented or ignored data or other "consequential" information on four freeway structures, including the Benicia-Martinez bridge. Two still work for Caltrans.

Caltrans conducts tests to help verify the safety and stability of bridges, retaining walls and other freeway structures.

Caltrans declined to make any official available for an interview or to respond to most written questions. Caltrans executives previously said that other records for structures with suspect testing had been examined, and deemed all to be safe.

In addition, in a written statement, Caltrans Director Malcolm Dougherty said that "Going forward, Caltrans has changed its rules and practices to ensure the integrity of the department's work into the future."

The Caltrans report was produced in response to Bee stories about problems in integrity testing involving the new eastern span of the San Francisco-Oakland Bay Bridge and other structures. Duane Wiles, a technician fired by Caltrans in 2011, admitted falsifying foundation testing data.

The report, released last month, examined years of data from tests conducted by the Caltrans Foundation Testing Branch. The Caltrans experts who wrote the report concluded that engineers who analyzed and certified data collected by Wiles and other technicians improperly added, changed or omitted data or evidence of equipment failures in their analysis or descriptions. The Caltrans report did not state that the engineers falsified data, nor did it name them. But it exonerated technicians from wrongdoing in those cases, and flagged improprieties in the engineers' analyses and reporting.

The Bee obtained signed test records for each of the projects cited in the Caltrans investigation. Those separate test reports show the identities of the engineers who prepared them: Toua Vang and Tejinderjit Singh, who were unlicensed at the time of the tests. Both are still employed by Caltrans and Singh is now licensed, according to state records. They worked with two licensed engineers, Michael K. Harris, who has since retired, and Constantin I. Mercea, who now works for a different state agency.

Mercea referred questions to Caltrans. Vang and Harris declined to comment. Singh would not comment without Caltrans approval, which was not provided. Caltrans did not respond to requests to confirm their identities.

In his written statement, Dougherty called the report "the most exhaustive study in the Department's history," and that it "identified every possible issue, no matter how significant or small." A federal peer-review panel praised the investigation as thorough and well conducted.

The Caltrans report authors conceded that the loss of thousands of essential data files due to poor archiving practices, unresolved technical questions and time constraints means the full story will never be learned about the number of testing lapses associated with the Caltrans Foundation Testing Branch, and their significance.

State Sen. Mark DeSaulnier, D-Concord, chairman of the Transportation and Housing Committee, said Caltrans faces a larger problem of credibility in such self-examinations.

"Until there are external reviews of Caltrans you will continue to rely on an agency investigating itself," he said in a written statement. DeSaulnier last month introduced Senate Bill 486, which would move the agency's audits and investigations unit into the California Transportation Commission, and require oversight reporting to the governor, the Legislature and the public.

"This will introduce transparency and accountability without increasing costs," he said.

For the recent investigation, Caltrans experts reviewed thousands of data files and reports involving tests of reinforced concrete piles that form the foundations of freeway structures.

Technicians test piles by lowering radiation-emitting probes into tubes cast near the outer edges of a pile. The report noted that in a few cases, instead of testing each tube – essential to accuracy – Wiles retested a single tube and submitted the data as if it had come from a second tube.

The authors of the report wrote that they suspected numerous such "reruns," among other problems, but limits imposed by Caltrans on the scope of their work sometimes made reaching firm conclusions impossible.

Another problem described in the report involved failures by test instruments to record data accurately. Normally, the probes measure concrete density 10 times per foot for each pile. Ten files from five structures showed a significant number of "null values," in which no data were recorded – possibly the result of a technician error, according to the report. The gaps in data represented untested sections of a pile.

Null-value readings were first described in a Bee examination of data files published in August. The Caltrans report, which looked at The Bee's findings and similar examples, found three "consequential" cases. They included a retaining wall and freeway undercrossing, both in Southern California, and a freeway connector ramp near Oroville. The Caltrans report found that null values were either ignored or omitted, or false data were swapped in to replace the missing readings during data analysis and test-report writing – tasks conducted by engineers.

"The omission or replacement of null values in these eight files is considered consequential and may have significantly impacted the engineering interpretations presented in the (test) Report," the Caltrans investigation noted. The original engineering reports contained no mention of the null values or their possible significance.

In a written statement, Caltrans spokesman Will Shuck dismissed that conclusion by the agency's experts.

"A 'null value is not a finding, it is a computer glitch that provides no useful information," he wrote. "We have not found a single case where an engineer replaced a null value with an actual, usable number. Where no data was gathered, no data was reported. There were no misrepresentations regarding null values."

Data files from the tests in question show some large gaps due to null values – in one case, most of a three-foot section of a 42-foot foundation pile. None was noted by the engineers, leaving the impression that the data were normal. According to the Caltrans investigation and the agency's testing rules, engineers should have reported the data gaps as potential flaws that required re-examination, and if needed, repair.

In another case, involving the Benicia Bridge, engineers copied a portion of data for one testing tube and pasted it into the data file for a different tube. They did so to replace incorrect data apparently caused by a malfunctioning test probe, suggesting falsely that no malfunction occurred, according to the Caltrans report.

The report did not include interviews with Wiles, his former supervisor Brian Liebich, or any of the engineers. Wiles and Liebich have been suspended by the Federal Highway Administration from working on federally supported jobs, and that agency has begun proceedings that could ban them from such work for up to three years.

Doug Hecox, a spokesman for the federal agency, said in an email that sanctions for the four engineers, if any, would be up to the FHWA's Office of Inspector General or Caltrans.

Caltrans officials did not respond to questions about whether the engineers had been interviewed or disciplined.

Willful data falsification is punishable by fines and imprisonment, according to the FHWA. But Wiles was not prosecuted and Caltrans allowed him to retire with full benefits after he appealed his firing. Liebich, who formerly led the testing branch, also was fired. His appeal is pending before the State Personnel Board.

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Attention: Kyle at Governor Brown's Office

Sent: Daniel W. Dolan

February 11, 2013

Request for meeting with Governor or appropriate Staff person as soon as possible preference after 1p.m., this coming Thursday, February 14, 2014 Governor's Office at State Capitol after 12 noon. 433 Blue Ridge Dr.

Martinez, CA 94553

925-943-5226

Ref: also 3 pending financial scandals potentially embarrassing all involving Public Agencies and a pattern of abuse since Arnold's administration, not fault of Governor Brown or his appointees, either.

Chairman Stewart Morris, Jr. and Louis Canaras,

between mere barebones title insurance offered by Chicago/Fidelity presently at \$2,000 per preliminary report on individual parcels (1100 of them) within 130 mile corridor initial construction phase for High Speed Rail v.

Stewart Title potential "Blanket Owner's Coverage Policy" \$2.5 Billion limited to land and improvements on "large ticket items"

\$225 Million for 2.5 Caltrans contracted improvement work in HWy 99, 1st actual construction on the policy, "off-site" work already started

\$200 Million for two (2) \$100 Million each "state of the art" High Speed Rail/Intermodal Stations in City of Fresno (downtown) and City of Bakersfield (downtown)

\$50 Million estimate for 154 acre Heavy Maintenance Facility and Yard

Several \$Million estimate for acquisition of land for two (2) low maintenance facilities at either "terminal" end of Phase One ICS of 80-130 miles

\$2B reserve for 11 miles of tunneling between Bakesfield, CA and Antelope Valley Lancaster, CA through 2 mountain ranges (part of Phase 2)

Let me know if this meets with your approval; as Mr. Tapping will be presenting this comparison of \$Title Insurance coverages -the huge cap- between \$22 Million in Title Insurance on collection of Title Reports v. purchasing additional "Gap" coverage of \$2.5 Billion Owner's Policy on major improvements "only".

Cordially,
Daniel W. Dolan, M.B.A. and President
Western States Title Services
Martinez, CA

925-943-5226

westststitle@yahoo.com

sent 5:40p.m., Wednesday, January 30, 2013 Houston Time

ref: Mr. Dolan's phone conversation with Mr. Tapping today to discuss Enterprise Risk Management at Stanford University and reminder to him to inform Jeff Moarales, Thomas Fellenz, and Patricia L. Jones of misunderstanding "gap" coverage of title insurance that exists based on contracts made by Bender Rosenthal, Inc. for minimum \$title insurance coverage that might not "fully protect" Authority interests?

----- Forwarded Message -----

From: Jon Tapping <jtapping@hsr.ca.gov>

To: Dan Dolan <ddolan37@yahoo.com>

Cc: Daniel Dolan M.B.A. <westststitle@yahoo.com>

Sent: Wednesday, January 30, 2013 3:06 PM

Subject: RE: Sponsor Message: Stanford webinar: Enterprise Risk Management

Thanks Dan, I appreciate it. Yes, I am working to advance enterprise risk management -- this is comprehensive strategic business approach that expands upon project and program risk management. Regards.

Jon Tapping

Risk Manager, California High Speed Rail Authority

(916) 403-2688 Office

BARBARA LEE
9TH DISTRICT, CALIFORNIA

COMMITTEE ON
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Labor, Health and Human Services,
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REPLY TO OFFICE CHECKED

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website: lee.house.gov

March 5, 2013

Secretary Ray LaHood
U.S. Department of Transportation
1200 New Jersey Avenue Southeast
Washington, DC 20590

Dan Richard
Chairman of the Board
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Secretary LaHood and Chairman Richard,

First, I would like to thank you Secretary LaHood for your years of public service both as Transportation Secretary and during your many years as a colleague in the House of Representatives. I sincerely hope your successor shares your commitment to high speed rail as a key element to 21st century American infrastructure.

I am writing to follow up on the February 14, 2013 letter from the California High Speed Rail Authority describing its Small and Disadvantaged Business Enterprise Program, which includes both Disadvantaged Business Enterprises (DBEs) and Disabled Veteran Business Enterprise (DVBES). That letter was a follow up on commitments Chairman Richard made at a meeting with Members of the California Congressional Delegation on January 16, 2013. As we discussed, there is widespread concern about full and fair participation in contract awarding for California's high speed rail project.

While the February 14 letter outlined the work done by Mr. Robert Padilla in assisting Small Business, DBEs, and DVBES, I respectfully request that you provide further details for achieving your diversity goals.

Specifically, I request that you provide:

- a breakdown of contract awards and funding levels for DBEs since 2002 when the California High Speed Rail Authority first received federal funding;
- a breakdown of ethnicity and gender along with the contract amounts in that time frame;
- the current level of DBE participation that CHSRA is achieving.

As you are aware, prior to Chairman Richard's appointment, the Federal Railroad Administration issued a decision on a civil rights complaint filed by the Lawyers' Committee for Civil Rights of the San Francisco Bay Area on behalf of Associated Professionals and Contractors of California, an association of DBE representatives. (DOT Complaint No. 2011-0065, FRA Decision Letter dated September 15, 2011). That decision requires CHSRA, "as a condition of receiving continuing Federal funds," to take a number of specific steps to ensure full inclusion of DBEs in its contracting practices. As a step towards compliance with this Decision, CHSRA has promulgated a Small and Disadvantaged Enterprise Program.

Substantial questions remain, however, as to whether this Program is now being fully and vigorously implemented – and in particular what results are being achieved. I welcome any specific proposals for increasing that participation level. While information as to overall Small Business participation would also be helpful, I am particularly interested in DBE participation, which CHSRA's Program specifically requires be maintained. (See CHSRA Program at 13 -requiring ongoing reports to FRA on DBE utilization).

In addition to DBE participation, I urge you to take all measures to ensure the women-owned and small businesses have every opportunity to participate in the largest infrastructure project in the country.

Thank you for considering this request, and I look forward to your response. Please contact Teddy Miller in my office with your response at teddy.miller@mail.house.gov or at 202-225-2661.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Lee".

Barbara Lee
Member of Congress